United Nations S/RES/1574 (2004)

Security Council

Distr.: General
19 November 2004

Resolution 1574 (2004)

Adopted by the Security Council at its 5082nd meeting, on 19 November 2004 in Nairobi

The Security Council,

Recalling its resolutions 1547 (2004) of 11 June 2004, 1556 (2004) of 30 July 2004 and 1564 (2004) of 18 September 2004 and the statements of its President concerning Sudan,

Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of Sudan, and *recalling* the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Reaffirming also its support for the Machakos Protocol of 20 July 2002 and subsequent agreements based on this protocol,

Expressing its determination to help the people of Sudan to promote national reconciliation, lasting peace and stability, and to build a prosperous and united Sudan in which human rights are respected and the protection of all citizens is assured,

Recalling that it welcomed the signature of the Declaration on 5 June 2004 in Nairobi, Kenya, in which the parties confirmed their agreement to the six protocols signed between the Government of Sudan and the Sudan People's Liberation Movement/Army, and reconfirmed their commitment to completing the remaining stages of negotiations,

Commending again the work and continued support of the Intergovernmental Authority on Development (IGAD), in particular the Government of Kenya as Chair of the Sub-Committee on Sudan, in facilitating the peace talks in Nairobi, *recognizing* the efforts of the Civilian Protection Monitoring Team, the Joint Military Commission in the Nuba Mountains and the Verification and Monitoring Team supporting the peace process, and *expressing* its hope that IGAD will continue to play a vital role during the transitional period,

Encouraging the parties to conclude speedily a Comprehensive Peace Agreement, and stressing the need for the international community, once such an agreement has been signed and implementation begins, to provide assistance towards its implementation,

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Emphasizing that progress towards resolution of the conflict in Darfur would create conditions conducive for delivery of such assistance,

Expressing its serious concern at the growing insecurity and violence in Darfur, the dire humanitarian situation, continued violations of human rights and repeated breaches of the ceasefire, and *reiterating* in this regard the obligation of all parties to implement the commitments, referred to in its previous resolutions on Sudan,

Condemning all acts of violence and violations of human rights and international humanitarian law by all parties, and *emphasizing* the need for perpetrators of all such crimes to be brought to justice without delay,

Recalling in this regard that all parties, including the Sudanese rebel groups such as the Justice and Equality Movement and the Sudanese Liberation Army, must respect human rights and international humanitarian law, and *also recalling* the primary responsibility of the Sudanese Government to protect its population within its territory and to maintain law and order, while respecting human rights,

Stressing the importance of further progress towards resolving the crisis in Darfur, *welcoming* the vital and wide-ranging role being played by the African Union towards that end, and *welcoming* the Government of Sudan's decision in favour of the expansion of the African Union Mission,

Taking note of the Secretary-General's reports of 28 September 2004 (S/2004/763) and 2 November 2004 (S/2004/881),

Deeply concerned by the situation in Sudan and its implications for international peace and security and stability in the region,

1. *Declares* its strong support for the efforts of the Government of Sudan and the Sudan People's Liberation Movement/Army to reach a Comprehensive Peace Agreement, *encourages* the parties to redouble their efforts, *welcomes* the signing of the Memorandum of Understanding in Nairobi on 19 November 2004 entitled "Declaration on the conclusion of IGAD negotiations on peace in the Sudan", attached to this resolution, and the agreement that the six protocols referred to in the Nairobi Declaration of 5 June 2004 constitute and form the core Peace Agreement, and *strongly endorses* the parties' commitment to reach a final comprehensive agreement by 31 December 2004 and *expects* that it will be fully and transparently implemented, with the appropriate international monitoring;

2. *Declares* its commitment, upon conclusion of a Comprehensive Peace Agreement, to assist the people of Sudan in their efforts to establish a peaceful, united and prosperous nation, on the understanding that the parties are fulfilling all their commitments, including those agreed in Abuja, Nigeria and Ndjamena, Chad;

3. *Urges* the Joint Assessment Mission of the United Nations, the World Bank and the parties, in association with other bilateral and multilateral donors, to continue their efforts to prepare for the rapid delivery of an assistance package for the reconstruction and economic development of Sudan, including official development assistance, possible debt relief and trade access, to be implemented once a Comprehensive Peace Agreement has been signed and its implementation begins;

4. *Welcomes* the initiative of the Government of Norway to convene an international donors' conference for the reconstruction and economic development of Sudan upon the signing of a Comprehensive Peace Agreement;

5. *Welcomes* the continued operations of the Joint Military Commission, the Civilian Protection Monitoring Team, and the Verification and Monitoring Team, in anticipation of the implementation of a Comprehensive Peace Agreement and the establishment of a United Nations peace support operation;

6. *Reiterates* its readiness, upon the signature of a Comprehensive Peace Agreement, to consider establishing a United Nations peace support operation to support the implementation of that agreement, and *reiterates* its request to the Secretary-General to submit to the Council, as soon as possible after the signing of a Comprehensive Peace Agreement, recommendations for the size, structure, mandate of such an operation, including also a timetable for its deployment;

7. *Welcomes* the preparatory work already carried out by the United Nations Advance Mission in Sudan (UNAMIS), established by its resolution 1547 (2004), *endorses* the proposals in the Secretary-General's reports of 28 September 2004 and 2 November 2004 to increase its staffing, *extends* the mandate of UNAMIS by a further three months until 10 March 2005, and *calls on* the Sudan People's Liberation Movement/Army to commit to full cooperation with UNAMIS,

8. *Calls on* all countries in the region to do their utmost to support actively the full and timely implementation of a Comprehensive Peace Agreement;

9. *Emphasizes* that a Comprehensive Peace Agreement will contribute towards sustainable peace and stability throughout Sudan and to the efforts to address the crisis in Darfur, and *underlines* the need for a national and inclusive approach, including the role of women, towards reconciliation and peace-building;

10. *Underlines* the importance of progress in peace talks in Abuja between the Government of Sudan and the Sudanese Liberation Army and the Justice and Equality Movement towards resolving the crisis in Darfur, *insists* that all parties to the Abuja peace talks negotiate in good faith to reach agreement speedily, *welcomes* the signature of the Humanitarian and Security Protocols on 9 November 2004, *urges* the parties to implement these rapidly, and looks forward to the early signature of a Declaration of Principles with a view to a political settlement;

11. *Demands* that Government and rebel forces and all other armed groups immediately cease all violence and attacks, including abduction, refrain from forcible relocation of civilians, cooperate with international humanitarian relief and monitoring efforts, ensure that their members comply with international humanitarian law, facilitate the safety and security of humanitarian staff, and reinforce throughout their ranks their agreements to allow unhindered access and passage by humanitarian agencies and those in their employ, in accordance with its resolution 1502 (2003) of 26 August 2003 on the access of humanitarian workers to populations in need and with the Abuja Protocols of 9 November 2004;

12. In accordance with its previous resolutions on Sudan, *decides* to monitor compliance by the parties with their obligations in that regard and, subject to a further decision of the Council, to take appropriate action against any party failing to fulfil its commitments;

13. *Strongly supports* the decisions of the African Union to increase its mission in Darfur to 3,320 personnel and to enhance its mandate to include the tasks listed in paragraph 6 of the African Union Peace and Security Council's Communiqué of 20 October 2004, *urges* Member States to provide the required equipment, logistical, financial, material, and other necessary resources, and *urges* the Government of Sudan and all rebel groups in Darfur to cooperate fully with the African Union;

14. *Reiterates* its call on Member States to provide urgent and generous contributions to the humanitarian efforts under way in Sudan and Chad;

15. *Calls on* all parties to cooperate fully with the International Commission of Inquiry established by the Secretary-General, as described in his letter of 4 October 2004 to the President of the Security Council (S/2004/812), the outcome of which will be communicated to the Security Council;

16. *Reiterates* the importance of deploying more human rights monitors to Darfur;

17. *Requests* the Secretary-General to keep it regularly informed of developments in Sudan, and to make any recommendations for action to ensure implementation of this resolution and its previous resolutions on Sudan;

18. *Decides* to remain seized of the matter.

Annex

DECLARATION ON THE CONCLUSION OF IGAD NEGOTIATIONS ON PEACE IN THE SUDAN

Gigiri, Nairobi: ***Friday 19th November 2004***

WHEREAS the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Army (the Parties) reconfirmed in the Nairobi Declaration of 5th June, 2004 on the Final Phase of the IGAD led negotiations on Peace in the Sudan, their agreement on the six texts, including the Machakos Protocol as well as the texts relating to Power Sharing, Wealth Sharing, Security Arrangements, and resolution of the Conflict in Southern Kordofan/Nuba Mountains, Blue Nile, and Abyei Area;

WHEREAS the Parties in a Joint Press Statement on October 16, 2004, "recommitted themselves to finalize and conclude the Comprehensive Peace Agreement in recognition that prompt completion of the Peace Process is essential for all the people of the Sudan as it will help in resolving all challenges facing the country";

ACKNOWLEDGING the progress made to date on the Security Arrangements and Ceasefire Details including the extensive work that has been accomplished in the Implementation Modalities annexes; and

DECLARING that the conclusion of the IGAD led initiative is central to a comprehensive Peace Agreement in the Sudan including the resolution of the Conflict in Darfur;

NOW HEREBY THE PARTIES AFFIRM that the six Protocols referred to in the Nairobi Declaration of 5th June, 2004, constitute and form the core Peace Agreement and therefore invite the UN Security Council in this its Nairobi sitting to pass a resolution endorsing the six Protocols.

FURTHER the Parties declare their commitment to expeditiously complete Negotiations on the two annexes on Ceasefire Agreement and Implementation Modalities so as to conclude and sign the Comprehensive Peace Agreement no later than 31st December, 2004.

(*Signed*)

Hon. Yahya Hussein Babikar
For the Government
Of the Republic of the Sudan

(*Signed*)

Cdr. Nhial Deng Nhial
For the Sudan People's
Liberation Movement/Army

Witnessed By:

(*Signed*)

Lt. Gen. Lazaro K. Sumbeiywo (Rtd.)
On Behalf of the IGAD Envoys

(*Signed*)

Dr. Jan Pronk
Special Representative of the Secretary-General
of the United Nations

In the Presence of:
The United Nations Security Council.

(*Signed*)

Ambassador Abdallah Baali
Permanent Representative of Algeria
to the United Nations

(*Signed*)

Ambassador Ismael Gaspar Martins
Permanent Representative of Angola
to the United Nations

(*Signed*)

Ambassador Joel Adechi
Permanent Representative of Benin
to the United Nations

(*Signed*)

Ambassador Ronaldo Sardenberg
Permanent Representative of Brazil
to the United Nations

(*Signed*)

Ambassador Heraldo Muñoz
Permanent Representative of Chile
to the United Nations

(*Signed*)

Ambassador Wang Guangya
Permanent Representative of China
to the United Nations

(*Signed*)

Ambassador Jean-Marc de La Sablière
Permanent Representative of France
to the United Nations

(*Signed*)

Ambassador Gunter Pleuger
Permanent Representative of Germany
to the United Nations

(*Signed*)

Ambassador Munir Akram
Permanent Representative of Pakistan
to the United Nations

(*Signed*)

Ambassador Lauro Baja, Jr.
Permanent Representative of the Philippines
to the United Nations

(*Signed*)

Ambassador Mihnea Motoc
Permanent Representative of Romania
to the United Nations

(*Signed*)

Ambassador Andrey Denisov
Permanent Representative of the Russian Federation
to the United Nations

(*Signed*)

Ambassador Juan Antonio Yáñez-Barnuevo
Permanent Representative of Spain
to the United Nations

(*Signed*)

Ambassador Emyr Jones Parry
Permanent Representative of the United Kingdom
to the United Nations

(*Signed*)

Ambassador John Danforth
Permanent Representative of the United States
to the United Nations

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United Nations S/RES/1575 (2004)

Security Council

Distr.: General
22 November 2004

Resolution 1575 (2004)

Adopted by the Security Council at its 5085th meeting, on 22 November 2004

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia and relevant statements of its President, including resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996, 1423 (2002) of 12 July 2002, 1491 (2003) of 11 July 2003 and 1551 (2004) of 9 July 2004,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Emphasizing its full support for the High Representative's continued role in Bosnia and Herzegovina,

Underlining its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex), as well as the relevant decisions of the Peace Implementation Council (PIC),

Recalling all the agreements concerning the status of forces referred to in Appendix B to Annex 1-A of the Peace Agreement, and reminding the parties of their obligation to continue to comply therewith,

Further recalling the provisions of its resolution 1551 (2004) concerning the provisional application of the status of forces agreements contained in Appendix B to Annex 1-A of the Peace Agreement,

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (SFOR), the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Emphasizing that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

Recalling the declarations of the Ministerial meetings of the Peace Implementation Conference,

Noting the reports of the High Representative, including his latest report of 6 October 2004 (S/2004/807),

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994 and the statement of its President of 10 February 2000 (S/PRST/2000/4),

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Recalling the decisions set out in paragraph 8 of the communiqué of the NATO Istanbul Summit of 28 June 2004, which refers to NATO's intention to conclude the SFOR operation in Bosnia and Herzegovina by the end of 2004 and to establish a NATO Headquarters in Sarajevo that will constitute NATO's residual military presence,

Recalling further that resolution 1551 (2004) took note of the European Union's intention to launch an EU mission to Bosnia and Herzegovina, including a military component, from December 2004, under the terms set out in the letter of 29 June 2004 from the Minister of Foreign Affairs of Ireland and President of the Council of the European Union to the President of the Security Council (S/2004/522*/Annex),

Taking note of the letters between the European Union and NATO sent to the Security Council on 19 November 2004 on how those organizations will cooperate together in Bosnia and Herzegovina in which both organizations recognize that the EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement (S/2004/916; S/2004/915),

Further taking note of the confirmation by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent entities, of the arrangements for EUFOR and the NATO Headquarters presence (S/2004/917),

Welcoming in the light of the forthcoming EU Mission the European Union's increasing engagement in Bosnia and Herzegovina,

Further welcoming tangible signs of Bosnia and Herzegovina's progress towards European integration,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

I

1. *Reaffirms* once again its support for the Peace Agreement, as well as for the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995 (S/1995/1021, annex) and *calls upon* the parties to comply strictly with their obligations under those Agreements;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and

Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Former Yugoslavia, in strengthening joint institutions, which foster the building of a fully functioning self-sustaining state, able to integrate itself into the European structures and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and *underlines* that full cooperation by States and entities with the International Tribunal includes, inter alia, the surrender for trial of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes* its full support for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and *reaffirms* that under Annex 10 of the Peace Agreement the High Representative is the final authority in theatre regarding the interpretation of civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses* its support for the declarations of the Ministerial meetings of the Peace Implementation Conference;

6. *Reaffirms* its intention to keep implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 21 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

II

7. *Acknowledges* the support of the authorities of Bosnia and Herzegovina for the EU force and the continued NATO presence and their confirmation that both are the legal successors to SFOR for the fulfilment of their missions for the purposes of the Peace Agreement, its Annexes and Appendices and relevant United Nations Security Council resolutions and can take such actions as are required, including the use of force, to ensure compliance with Annexes 1-A and 2 of the Peace Agreement and relevant United Nations Security Council resolutions;

8. *Pays tribute* to those Member States which participated in the multinational stabilization force established in accordance with its resolution 1088 (1996), and expresses its appreciation of their efforts and achievements in Bosnia and Herzegovina;

9. *Welcomes* the EU's intention to launch an EU military operation to Bosnia and Herzegovina from December 2004;

10. *Authorizes* the Member States acting through or in cooperation with the EU to establish for an initial planned period of 12 months a multinational stabilization force (EUFOR) as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with the NATO HQ presence in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that the EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

11. *Welcomes* the decision of NATO to conclude the SFOR operation in Bosnia and Herzegovina by the end of 2004 and to maintain a presence in Bosnia and Herzegovina through the establishment of a NATO Headquarters in order to continue to assist in implementing the Peace Agreement in conjunction with EUFOR and *authorizes* the Member States acting through or in cooperation with NATO to establish a NATO Headquarters as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with EUFOR in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that the EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

12. *Recognizes* that the Peace Agreement and the provisions of its previous relevant resolutions shall apply to and in respect of both EUFOR and the NATO presence as they have applied to and in respect of SFOR and that therefore references in the Peace Agreement, in particular in Annex 1-A and its appendices, and relevant resolutions to IFOR and/or SFOR, NATO and the NAC shall henceforth be read as applying, as appropriate, to the NATO presence, EUFOR, the European Union and the Political and Security Committee and Council of the European Union respectively;

13. *Expresses* its intention to consider the terms of further authorization as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

14. *Authorizes* the Member States acting under paragraphs 10 and 11 above to take all necessary measures to effect the implementation of and to ensure compliance with Annexes 1-A and 2 of the Peace Agreement, *stresses* that the parties shall continue to be held equally responsible for compliance with that Annex and shall be equally subject to such enforcement action by EUFOR and the NATO presence as may be necessary to ensure implementation of those Annexes and the protection of EUFOR and the NATO presence;

15. *Authorizes* Member States to take all necessary measures, at the request of either EUFOR or the NATO Headquarters, in defence of EUFOR or NATO presence respectively, and to assist both organizations in carrying out their missions, and *recognizes* the right of both EUFOR and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack;

16. *Authorizes* the Member States acting under paragraphs 10 and 11 above, in accordance with Annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. *Demands* that the parties respect the security and freedom of movement of EUFOR, the NATO presence, and other international personnel;

18. *Requests* the Member States acting through or in cooperation with the EU and the Member States acting through or in cooperation with NATO to report to the Council on the activity of EUFOR and NATO HQ presence respectively, through the appropriate channels and at least at three-monthly intervals;

19. *Invites* all States, in particular those in the region, to continue to *provide* appropriate support and facilities, including transit facilities, for the Member States acting under paragraphs 10 and 11 above;

20. *Reiterates its appreciation for* the deployment by the EU of its Police Mission (EUPM) to Bosnia and Herzegovina since 1 January 2003;

21. *Also requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with Annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (S/1996/1012), and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

22. *Decides* to remain seized of the matter.